

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION**

**MICHAEL BENJAMIN  
HAMBLETON,**

Plaintiff,

No. 1:23-cv-00377-MK

v.

**ORDER**

**MELISSA DICOSTANZO;  
ANDREW DAVIS; TROY  
HAMILTON; GARY CLARK;  
SERGEANT CARPENTER;  
DEPUTY COLEMAN; DEPUTY  
MURPHY; DEPUTY THORNBOUTE;  
DEPUTY LEMKE; DEPUTY  
DAWSON; DEPUTY KOKEMO;  
DEPUTY AGULAR; DEPUTY  
BANETEZ; DEPUTY WOODWARD;  
DEPUTY JOHN DOE; DEPUTY  
JANE DOE; MEDICAL STAFF JANE  
DOE; JAIL COMMANDER TESCALA,**

Defendants.

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AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai. ECF No. 47. Judge Kasubhai recommends that Defendants' Motion for Summary Judgment, ECF No. 40, be granted as to all claims.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."

28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, no party has filed objections. The Court has reviewed the F&R and finds no error. The F&R, ECF No. 47, is therefore ADOPTED and this case is DISMISSED without leave to refile in the District of Oregon. Final judgment shall be entered accordingly.

It is so ORDERED and DATED this 22nd day of August 2024.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge